

Mississippi Farmers' Market

Rules and Regulations

Definition of Terms

1. **Crafts** – Products that have been developed by the handiwork of artisans and crafters to create a value-added good.
2. **Market Manager** – A state employee designated by the Board to supervise the daily operations of the Mississippi Farmers' Market and to implement the guidelines and decisions of the Mississippi Central Market Board.
3. **Mississippi Central Market Board** – Governor appointed individuals in cooperation with the Mississippi Commissioner of Agriculture as outlined in Section 69-7-103 of the Mississippi Code of 1972.
4. **Nursery/Landscape** – Horticultural and arboricultural plant materials used for aesthetic purposes.
5. **Produce** – Raw, horticultural and agronomic products to include all varieties of fruits, vegetables, herbs, nuts and cut flowers.
6. **Specialty Foods** – Processed goods derived from raw commodities to include but not to be limited to refined, baked, canned and cooked foods, honey, and eggs.
7. **Stall** – Pre-designated space for rent on the market premises.
8. **Vendor** – One who meets the requirements of the Mississippi Farmers' Market certification process and sells produce or other approved products at the Market.

Purpose

- The Mississippi Farmers' Market ("the Market") is created to promote and provide a marketplace for Mississippi grown fruits, vegetables, plant materials, and other products made in Mississippi. These rules apply only to the Market on Jefferson Street. The primary objectives of the Market are to offer a diverse product selection, attract a large and repeating customer base, and afford farmers a profitable location to sell produce and other goods.

Time of Operation

- The Mississippi Central Market Board (“the Board”) shall have the authority to establish days and hours of operation of all sectors of the Farmers’ Market at the Fairgrounds with monthly reevaluation of such operating guidelines.
- All participating vendors must adhere to hours of operation.

Vendor Certification and Selection Priority

- All vendors must complete the Market Certification Form upon annual application for participation in the Market.
 - Mississippi Department of Agriculture and Commerce staff will evaluate submitted certification forms and approve those deemed eligible.
 - A copy of the approved certificate must be posted in plain view during operation for all vendors at the market.
 - All items intended for sale shall be listed on the certificate, and only those items approved for sale will be allowed.
 - It is the intent of the certification process to ensure all products for sale are produced by those actively involved in the production process and that only those individuals may become eligible vendors at the Market.
- Vendors shall be selected and stalls allocated to promote equity, diversity, and a competitive environment to benefit both vendors and customers.
- Mississippi Department of Agriculture and Commerce staff shall perform inspections on vendor property after certifications have been completed.

Operating Guidelines

1. The Board shall have the authority to set rent rates for vendors on Market grounds and shall reevaluate such rates on an annual basis. Rates shall be set to support financial stability of the Market and to encourage participation in the Market.
2. Each vendor, whether in cooperation with other growers or not, shall individually pay a stall fee. Rental fees will be paid on a daily basis for each stall space occupied.
3. Vendors must use the space as authorized by the Market Manager.
4. Vendors must notify the Market Manager before delivering, engaging in business, or occupying space on the market grounds.
5. At no time may a vendor’s display restrict the view of other vendors at the market.
6. No vendor may sub-lease or sub-let their space at any given time.
7. The Market Manager must approve signage.
8. Vendors may have coolers, as approved by the Market Manager, in the rented space.
9. The Market will provide waste containers and basic electrical service. The Market will not provide electrical cords or other electrical extensions.

10. The Market will also provide water connections for the vendors. The Market will not provide hoses or other connection equipment needed to dispense water.
11. Hoses and other watering apparatuses must be put away and turned off immediately upon termination of use and must not pose a threat to others.
12. Standing water must be swept to the nearest drain.
13. No vendor shall enter into price agreements to raise, lower, or fix prices for products on the Market. Vendors are not to influence other vendors to sell lower or higher other than through natural competition.
14. Each vendor operates privately and separately, and it is the individual responsibility of each vendor to comply with all city, county, state and federal laws and regulations concerning packaging, labeling, taxation, food safety and sanitation, etc.
15. No vendor is to approach customers while at the location of another vendor. No calling out of prices will be permitted.
16. Use of the product label "Organic" must be in accordance with all Federal and State laws, rules, and regulations.
17. No live animals shall be offered for sale at the Market.
18. No smoking or tobacco use shall be allowed in the building.
19. No alcohol, intoxicating beverage or narcotic, nor any person under the influence thereof, shall be allowed on the market premises.
20. Loitering in or around the Market after designated operating hours is prohibited.
21. No eighteen-wheelers shall be allowed on Market grounds.
22. No repairs on vehicles, other than emergency repairs, may be performed on Market grounds.
23. All vehicles belonging to or used by the vendor must be parked directly behind their rented stall or in customer parking, and must be moved on a daily basis (cannot stay after Market closes).
24. No soliciting of products other than approved items will be permitted.
25. No pets are allowed in the building with the exception of dogs aiding the handicapped.
26. No loading or unloading of products in a stall in front of the customer walkway is allowed.
27. No person shall deface or damage the Market building.
28. Vendors are responsible for the actions, behavior, and dress of their representatives, employees or agents. Shoes and shirts must be worn at all times.
29. All vendors and vendor personnel are responsible for a daily proper disposal and removal of refuse, discards, and garbage from their rented space, including, without limitation, the ten feet in front and rear of rented space and five feet on all sides of any vehicle parked at a rented space.
30. Vendor displays and storage must be kept sanitary on a daily basis.
31. The Market is not liable and assumes no responsibility for any personal items or property in or around the stall(s).
32. The Mississippi Department of Agriculture and Commerce has the right to invite any outside vendor for temporary, promotional events with those individuals adhering to only the 'Operational Guidelines.'
33. To the fullest extent allowed by law, each vendor shall indemnify, defend, save, hold harmless, protect and exonerate the Board, its directors, employees, agents, representatives, the Market Manager, and the State of Mississippi from and against all

- claims, demands, liabilities, suits, actions, damages and losses for personal injury, death or property damage, including, without limitation, court costs, investigative fees and attorneys' fees arising out of such vendor's operations on the Board's grounds, and whether caused by the vendor or his agents, employees or subcontractors. Each vendor shall be solely responsible for all costs and/or expenses associated with such defense.
34. Vendors may leave their products and other property in the stall space over night only if the rental fee has been paid in advance.
 35. Upon departure, all space for which tenant is responsible, as described above, must be left clean.
 36. If the vendor has been absent from Market and rent has accrued, tenant must, upon his return to the Market, pay all delinquent rent and/or fees before engaging in business again.
 37. The Market Manager reserves the right to eject from the grounds any individual who interferes with the commerce and operation of the Market.
 38. If a vendor violates any of these rules, he may be debarred by the Market Manager from operating as a vendor at the Market.
 39. If the Mississippi Legislature or the United States Congress fails to appropriate the funds necessary to operate the Market, the Market Manager may debar any or all of the vendors from operating at the Market.
 40. The Market Manager may debar any or all of the vendors from operating at the Market at the convenience of the Market Manager.
 41. Based on variation in market products and seasonal changes of available products, the Board gives the Market Manager, with the Board's approval, the flexibility to set the ratio of Mississippi producer grown products and the non-MS producer grown products available for sale at the market.

Produce

The following rules and regulations are only applicable to those vendors selling fresh produce, nuts, and cut flowers and foliage.

- A single vendor may rent a maximum of three consecutive stalls, with approval by the Market Manager.
- Produce products will receive preference for space over plant materials and other goods available at the market.
- Trees and produce shall not be sold from the same stall.
- Pre-packaged items sold by weight must be labeled in a manner pursuant to Section 75-27-41 of the Mississippi Weights and Measures Law.

Nursery/Landscape

The following rules and regulations are only applicable to those vendors selling plant materials classified as either Nursery or Landscape.

1. If available, a single vendor may rent a number of consecutive stalls, with approval by the Market Manager.
2. Vendors, if deemed eligible by the Market Manager, may expand the size of their operation for an additional fee by utilizing the parking area behind the stall. Expansion displays must not block the driving space of other vendors at the market and must adhere to the width and length restrictions of the rented stall(s).
3. At no time may the vendor expand beyond the side and front lines of the stall(s).
4. A tent or other shading structure that has been approved by the Market Manager may be placed directly behind the stall to expand the rented stall.
5. Re-stocking is permitted. Vendors may be subject to a surcharge in an amount determined by the Board and reviewed annually for every truckload brought in. Payment will be given to the Market Manager immediately upon delivery.
6. The Bureau of Plant Industry must certify all vendors selling nursery plant materials before entering the market. Proof of certification and licensing must be provided and on file with the Market Manager.
7. All plant materials sold at the market must have been grown in Mississippi. Plugs and other starter plants not originating in Mississippi may be considered a Mississippi product if and only if it is finished in the state. For such consideration, the plant material must not be in its original container, and it must have matured in Mississippi for a minimum of four weeks.
8. All plant materials must be disease and pest free.
9. Vendors may water plants as necessary but may not spray fertilizer, pesticides, or any other chemicals at any time at the Market.

Specialty Foods and Crafts

The following rules and regulations are applicable only to those individuals selling goods that have been processed altered from its original form as well as to those individuals selling farm raised eggs.

1. In the event a stall is vacant and vendors selling produce or nursery/landscape materials are not available or a lack of variety is present at the market, the Market Manager may rent a stall to a vendor selling specialty foods.
2. Government approved methods for preparing, storing, handling, and packaging of food products must be adhered to.
3. All processed foods products are to be packaged, covered, sealed, or wrapped at all times.
4. Complaints regarding quality, unsafe practices, or reports of illness must be given directly to the Market Manager.
5. Only crafts that are handcrafted by the vendor will be allowed.
6. All products are subject to revocation by the Market Manager.

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

STATE OF MISSISSIPPI CENTRAL MARKET BOARD

P.O. Box 1609
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Contact Person: John Gordon Campbell
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Specific Legal Authority Authorizing the promulgation of Rule:

Miss. Code Ann. 69-7-109

Reference to Rules repealed, amended or suspended by the Proposed Rule:

MS Farmers Market Rules and Regulations, Chapter 4,
Section 104(41)

An Economic Impact Statement is required for this propose rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of States Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons make may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

a. Description of the need for and the benefits of the proposed rule:

The purpose of said rule is to establish a limit of out-of-state products that can be purchased by a certified farmer and resold by that farmer at the Mississippi Farmers Market. The main emphasis for the rule is to limit the number of out-of-state products that can be sold at the Mississippi Farmers Market.

b. Cost estimate to the agency and other state or local government entities:

Costs will be kept at a minimum. No additional personnel will be needed in order to monitor inventory and certify farmers.

c. Estimate of the cost or economic benefit to all persons:

The exact cost of not adopting this rule is unknown, but would offer small farmers an opportunity to sell products that they are not able to grow in-state. The consumer will be able to purchase a wide variety of produce that is not all Mississippi grown.

d. Analysis of the impact on small business:

This would allow small farmers to increase their sales revenue.

e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule:

The proposed rule is intended to allow a variety of produce to be sold at the MS Farmers Market. This will benefit both the farmer and the consumer.

f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule:

This method is to allow farmers to compete with other markets and to the greatest extent possible, avoid costs and intrusion.

g. Description of reasonable alternative methods and reasons for rejection of the alternative methods:

Farmers markets are quite simple in concept. This organization mirrors that of typical farmers markets. An alternative structure would bring the concept off base.

h. Data and methodology in making the estimates in the economic impact statement:

SOS FORM APA 004
Effective Date 01/07/2005

Research of other farmers markets indicates the adoption of this rule allowed farmers to increase sale revenue.

Date Rule Proposed: 4/09/07

Proposed Effective Date of Rule: 6/06/07

John Gordon Campbell, State Market Manager
